

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (previously presented):

An optical recording medium, characterized by comprising:

a data recording layer on which contents data is recorded by irradiation of an optical beam, and

a visual information recording layer on which visual information which is visually recognized and indicative of information regarding the contents of the contents data is recorded by irradiation of the optical beam,

wherein the data recording layer and the visual information recording layer are laminated, and

the visual information recording layer has a visual information area for recording the visual information, and a visual information management area wherein at least one of recording layer information indicative that the recording layer is the visual information recording layer, recording management information indicative of presence or absence of a record of the visual information, an area information indicative of a recordable area of visual information, and contents information indicative of the contents of the visual information are recorded.

2. (previously presented):

The optical recording medium according to claim 1, characterized in that the data recording layer has a data recording area for recording the contents data, and a data management

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area wherein at least one of the recording layer information indicative that the recording layer is the data recording layer, and recording medium information indicative that the visual information recording layer is provided on the optical recording medium is recorded.

3. (Deleted)

4. (Deleted)

5. (Deleted)

6. (currently amended):

The optical recording medium according to claim 1 or 2, characterized in that the visual information recording layer has a visual information area on which the recording layer information indicative that the recording layer is the visual information recording layer is regularly recorded.

7. (Deleted)

8. (Amended)

The optical recording medium according to claim 2, characterized in that the data recording layer has the data management area wherein at least one of recording management information indicative of the presence or absence of the record of the visual information and the area information indicative of the recordable area for visual information is recorded.

9. (previously presented):

A data recording apparatus that records visual information onto an optical recording medium formed by lamination of a data recording layer onto which contents data is recorded, and a visual information recording layer on which visual information which is visually

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recognized and indicative of information regarding the contents of the contents data is recorded, the data recording apparatus being characterized by comprising:

an interface that is received the visual information to be recorded;

a pickup that is used to record the received visual information; and

a visual-information dedicated drive signal generating device that generates a visual-information dedicated drive signal for driving the pickup in accordance with the received visual information,

wherein the pickup records the visual information onto the visual information recording layer in accordance with the generated visual-information dedicated drive signal, and  
in the case that the optical recording medium includes a visual information recording layer having at least one of a recording management area, wherein the visual information is recorded by irradiation of the optical beam from the surface different from the data recording surface and wherein at least recording layer information indicative that the recording layer is the visual information recording layer, and a visual information area wherein the visual information and recording layer information indicative that the recording layer is the visual information recording area,

a first detecting device that detects at least one of the recording layer information recorded in the recording management area of the visual information recording layer and the recording layer information recorded in the visual information area of the visual information recording layer, and

a first determining device that determines an irradiation surface of the optical recording medium being irradiated with the optical beam in accordance with the detection result of the detecting device.

10. (previously presented):

The data recording apparatus according to claim 9, in the case that the optical recording medium includes the visual information recording layer wherein the visual information is recorded by irradiation of the optical beam from the surface different from the data recording surface, and the data recording layer having the data management area wherein at least the recording layer information indicative that the recording layer is the data recording layer, characterized by comprising:

a second detecting device that detects the recording layer information recorded in the data management area of the data recording layer; and

a second determining device that determines an irradiation surface of the optical recording medium being irradiated with the optical beam in accordance with the detection result of the detecting device.

11. (currently amended):

The data recording apparatus according to claim 9 or 10, comprising:

a contents-data dedicated drive signal generating device that, when the contents data is input into the interface, generates a contents-data dedicated drive signal for driving the pickup in accordance with the received contents data; and

a data recording pickup that is different from a visual-information recording pickup which is the pickup for recording the visual information and that records the contents data

onto the data recording layer in accordance with the contents-data dedicated drive signal generated by the contents-data dedicated drive signal.

12. (Deleted)

13. (previously presented):

The data recording apparatus according to claim 11, characterized in that the visual-information recording pickup has a NA (numerical aperture) lower than that of the data recording pickup.

14. (previously presented):

The data recording apparatus according to claim 11, characterized in that the visual-information recording pickup emanates an optical beam having a longer wavelength than the data recording pickup.

15. (Deleted)

16. (Deleted)

17. (new):

The optical recording medium according to claim 2, characterized in that the visual information recording layer has a visual information area on which the recording layer information indicative that the recording layer is the visual information recording layer is regularly recorded.

18. (new):

The data recording apparatus according to claim 10, comprising:

a contents-data dedicated drive signal generating device that, when the contents data is input into the interface, generates a contents-data dedicated drive signal for driving the pickup in accordance with the received contents data; and

a data recording pickup that is different from a visual-information recording pickup which is the pickup for recording the visual information and that records the contents data onto the data recording layer in accordance with the contents-data dedicated drive signal generated by the contents-data dedicated drive signal.

19. (new):

The data recording apparatus according to claim 18, characterized in that the visual-information recording pickup emanates an optical beam having a longer wavelength than the data recording pickup.

20. (new):

The data recording apparatus according to claim 18, characterized in that the visual-information recording pickup emanates an optical beam having a longer wavelength than the data recording pickup.